

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 2  
**Mtg. Date** October 16, 2018  
**Dept.** Development Services Department

**Item Title:** Public Hearing to Consider Ordinance No. 2018-449 – Zoning Amendment ZA1-800-0002 Separation Findings for Discretionary Permits

**Staff Contact:** Mike Viglione, Assistant Planner

**Recommendation:**

- 1) Conduct the public hearing; and
- 2) Introduce Ordinance No. 2018-449 (**Attachment B**).

**Item Summary:**

Municipal Code Title 17 Zoning and Title 18 Citywide Regulations require large family daycares, medical marijuana dispensaries (MMDs), alcoholic beverage related businesses requiring a conditional use permit and beekeeping and adult entertainment uses to observe distance separations from specifically listed land uses as a condition of establishment. A separation finding must be made by the decision body at the time of final decision. At the July 17, 2018 City Council meeting, the City Council directed staff to prepare a draft ordinance to provide a process for making an early separation finding. Planning Commission reviewed and commented on the proposed ordinance on September 24, 2018. The proposed Zoning Amendment may allow an applicant to obtain the required separation finding prior to preparing costly plans and reports and prior to final decision. Land uses established after the separation finding is made would not restrict an applicant from obtaining a permit. The staff report (**Attachment A**) provides an overview of the proposed amendment to Section 17.28.020 (Application procedures) and **Attachment B** is the proposed ordinance.

**Fiscal Impact:**

Unknown at this time.

**Environmental Review:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review         | <input type="checkbox"/> Negative Declaration           |
| <input type="checkbox"/> Categorical Exemption, Section [       ] | <input type="checkbox"/> Mitigated Negative Declaration |

**Public Information:**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> None   | <input type="checkbox"/> Newsletter article   | <input type="checkbox"/> Notice to property owners within 500 ft. |
| <input checked="" type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

- A. Staff Report
- B. Ordinance No. 2018-449 – (ZA1-800-0002)



# Attachment A

## LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 2

Mtg. Date October 16, 2018

Item Title: **Public Hearing to Consider Ordinance No. 2018-449 – Zoning Amendment ZA1-800-0002 Separation Findings for Discretionary Permits**

Staff Contact: **Mike Viglione, Assistant Planner**

### Background:

During the April 17, 2018 City Council meeting, the City Council directed staff to present alternatives for making separation findings prior to final decision by the Development Services Director, Planning Commission and City Council. At the July 17, 2018 City Council meeting, the City Council reviewed four alternatives and directed staff to prepare a draft ordinance providing a process for making early separation findings. At the September 24, 2018 Planning Commission meeting, the Planning Commission also reviewed the alternatives and draft ordinance and provided recommended minor revisions to the draft ordinance.

The following background and discussion provides a general overview of applicable separation regulations in the Lemon Grove Municipal Code (LGMC), including noticing and permitting requirements, and alternatives for early separation findings.

### *Regulatory Background*

The LGMC requires separation findings be made for large family daycares, medical marijuana dispensaries (MMDs), beekeeping, alcoholic beverage related businesses requiring a conditional use permit and adult entertainment uses as follows:

1. Large Family Daycares (LGMC Section 17.24.060(D)(3) Accessory buildings and uses - Daycares):
  - a. A facility shall not be established within one thousand feet of another such facility.
  - b. Requires a Minor Use Permit conditionally approved by the Development Services Director with a \$500.00 deposit.
2. Medical Marijuana Dispensaries (LGMC Chapter 17.32 Medical Marijuana Regulations):
  - a. MMDs shall be 1,000 feet from regulated and protected uses inside and outside city limits. Regulated uses include MMDs and protected uses include public parks, playgrounds, licensed day care facilities, schools and alcohol and substance abuse treatment centers. The measurement of distance between uses will take into account natural topographical barriers and constructed barriers such as freeways or flood control channels that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access.
  - b. Requires a Zoning Clearance and \$1,090.00 fee to review and approve separation requirements and application materials followed by a Conditional Use Permit with City Council conditional approval and \$1,500.00 deposit.

# Attachment A

3. Beekeeping (LGMC Section 18.16.060 Exotic animals and beekeeping):
  - a. Up to four beehives may be permitted. Beehives shall be placed at least twenty-five feet from the exterior line of the traveled way of any public streets, at least twenty-five feet from the exterior line of any private access easement, at least fifteen feet from any side or rear lot line, and at least twenty-five feet from neighboring dwellings.
  - b. For three to four hives, a one-hundred-foot separation from neighboring dwellings is required.
  - c. Beehives shall be placed at least one hundred feet from the border of sensitive areas. Sensitive areas include areas where people, such as the elderly, small children, individuals with medical conditions or confined animals inhabit or frequent that are more at risk if stinging incidents were to occur. Sensitive areas are characterized by a demonstrated need for a greater safety buffer. These areas include, but are not limited to, schools, playgrounds, picnic areas, outdoor sports facilities, daycare centers, senior care facilities, medical facilities, and animal-boarding facilities. Property operators, owners, or residents who have medical reasons may apply to have their locations designated as sensitive sites. Businesses and facilities with employees who have medical reasons or where bees could cause a nuisance during normal work activities may also apply to have their locations designated as sensitive sites. The development services director may approve sites or remove sites previously approved or designated as sensitive sites upon request. Upon appeal, the city council has final discretion to approve designation of locations as sensitive sites upon review of supportive documentation.
  - d. Requires a beekeeping permit with \$35.00 fee similar to a Zoning Clearance approved by the Development Services Director.
4. Alcoholic Beverage related Businesses Requiring a Conditional Use Permit including Convenience Markets, Bars, Nightclubs and Liquor Stores (LGMC Chapter 18.27 – Alcoholic Beverage Sales):
  - a. Businesses engaged in the sale or distribution of alcoholic beverages for off-site consumption shall maintain a minimum separation of 500 feet from any other business required to have a Conditional Use Permit for the sale of alcoholic beverages. This subdivision shall not apply to incidental alcoholic beverage sales and warehouses, and distribution facilities.
  - b. Businesses engaged in the sale or service of alcoholic beverages for on-site consumption shall maintain a minimum separation of 1,000 feet from another business selling or serving alcoholic beverages requiring a Conditional Use Permit for on-site consumption and a minimum of 500 feet from any other business requiring a Conditional Use Permit for the on-site or off-site sale or service of alcoholic beverages; any church or other place of worship; any public or private preschool, elementary school or high school; any public park or playground; any hospital, clinic, or other health care facility; any residential unit other than a caretaker's dwelling on a commercial or industrial property; and any property zoned for residential use. Based upon the particular circumstances involved, the city council shall determine the appropriate separation between private clubs and lodges operated by recognized national, state or regional

## Attachment A

religious or fraternal order and appropriate distances between such clubs and lodges and other types of land use.

- c. Requires a Conditional Use Permit with City Council conditional approval and \$1,500.00 deposit.
5. Adult Entertainment including (LGMC Chapter 18.28 – Adult Entertainment):
  - a. Adult entertainment establishments include adult arcade, adult bookstore, adult cabaret, adult drive-in theater, adult mini-motion Picture Theater, adult model studio, adult motel, adult motion picture theater, adult theater, body painting studio, sexual encounter establishment and any other business which involves specified sexual activities or the display of specified anatomical areas. No adult entertainment establishment shall be permitted within 1,000 feet of another such business, within five hundred feet of any area zoned for residential use, or within six hundred feet of any church, school, public playground, park or recreational area.
  - b. Adult entertainment establishments are currently prohibited in all zones, but were previously allowed in the General Commercial zone.

Decisions of the Development Services Director can be appealed to the Planning Commission and decisions of the Planning Commission can be appealed to the City Council.

### **Discussion:**

Since certain land uses are subject to separation requirements (LGMC), as described above, the applicable separation distance must be met before the land use can be established. Current LGMC regulations require a separation finding to be made by the decision body at the time of final decision on the application. This requires the applicant to prepare all necessary plans and studies to the satisfaction of staff before eligibility for the required separation finding with the final decision.

The City Council considered the following four alternatives for making early separation findings for land use applications:

1. At time of initial notice of complete or incomplete and within 30 days of initial application submittal.
2. At time of being deemed complete which requires all architectural and engineering drawings and required reports and studies to be complete and approved by City staff.
3. At time of conditional approval by the Development Services Director, Planning Commission or City Council.
4. As a part of a separate Zoning Clearance, Minor Use Permit or Conditional Use Permit for the specific purpose of making an early separation finding. A Zoning Clearance would include no public noticing with appeal rights by the applicant. A Minor Use Permit would require a 500 foot radius public notice to property owners with conditional approval by the Development Services Director and appeal rights by the applicant and any member of the public. A Conditional Use Permit would require a 500 foot radius public notice to property owners, a sign posted on the property and conditional approval by the Planning Commission and appeal rights by the applicant and any member of the public.

# Attachment A

At the City Council meeting, further discussion took place regarding public noticing, since that is one of staff's primary concerns. For MMDs, the daycare location lists are only requested once per year due to the approximate \$500 request cost charged by the State daycare licensing division. Small family daycares which are protected uses in accordance with LGMC Chapter 17.32 (Measure V) do not require any permit or business license from the City and their location will not be known unless the list is requested by the City at the aforementioned cost. The LGMC currently requires a 500 foot public radius notice to property owners, not renters, for public notifications associated with Minor Use Permits, Conditional Use Permits, Planned Development Permits, Tentative Maps and Tentative Parcel Maps. Measure V stipulates that a MMD shall not be established within 1,000 feet of protected uses like daycares. If an early finding option could be made, the Development Services Director could require the public radius notice distance to match the specific separation requirement to give all affected properties an opportunity to appeal the decision or attend the public hearing. Additionally, a sign could be required to be posted on the property for a specific duration (e.g., 30 days) prior to the early finding being made. A public notice in the East County Californian could also be required.

At the July 17, 2018 City Council meeting, the City Council preferred the part of Alternative 4 which would require an applicant to apply for a Minor Use Permit for the specific purpose of making an early separation finding. To ensure adequate noticing, staff recommends the Minor Use Permit require a notice to all real property owners *consistent with separation findings* or at an appropriate *legal* distance from all exterior boundaries of the subject property at least ten days prior to the decision. Staff also recommends that the "sign posted on property" requirement be codified for all discretionary permits including Minor Use Permits, Conditional Use Permits, Planned Development Permits, Tentative Maps and Tentative Parcel Maps. Lastly, staff recommends codification of a requirement to publish a public notice in a newspaper of general circulation for Separation Findings Minor Use Permit applications to supplement the required public radius notice. This will ensure appropriate public noticing is provided for early findings and allows members of the public to appeal to the Planning Commission and further to the City Council.

On September 24, 2018, the Planning Commission concurred with the use of a Minor Use Permit for making early separation findings. Planning Commission also recommended minor clarifications to the wording of the public noticing portion of the Zoning Amendment, shown in italics, above and in **Attachment B**, with the understanding that the revisions would be subject to the approval of the City Attorney.

## Conclusion:

Staff recommends that the City Council: 1) conduct the public hearing, 2) introduce Ordinance No. 2018-449 approving Zoning Amendment ZA1-800-0002 (**Attachment B**.)

## ORDINANCE NO. 2018-449

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA AMENDING SECTION 17.28.020 (APPLICATION PROCEDURES) OF THE LEMON GROVE MUNICIPAL CODE TO CREATE A NEW PROCESS TO ALLOW FOR EARLY SEPARATION FINDINGS FOR LAND USES WITH SEPARATION REQUIREMENTS

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**WHEREAS**, an applicant seeking to establish a land use subject to separation findings must wait until the final decision is made by the Development Services Director, Planning Commission, or City Council to ensure a separation finding can be determined; and

**WHEREAS**, providing a new process through the use of a Minor Use Permit (MUP), for making an early separation finding prior to an applicant preparing costly plans and reports would streamline the approval process and would not restrict an applicant from obtaining a permit at the time of project approval; and

**WHEREAS**, noticing procedures would be enhanced to ensure the distribution of a public notice would match the separation distance for each application, and add a requirement for a sign to be posted on the subject property announcing the time and location of the public hearing; and

**WHEREAS**, on October 16, 2018, a public hearing was duly noticed and held by the Lemon Grove City Council; and

**WHEREAS**, this action is not subject to Environmental Review under the Environmental Quality Act (CEQA) because it does not constitute a project as defined by Section 15378 of the CEQA Guidelines; and

**WHEREAS**, the City Council finds that the following findings required to approve a Zoning Amendment can be made in accordance with Section 17.28.080(B) of the Municipal Code:

1. That the proposed amendment is consistent with the General Plan, in accordance with Government Code Section 65860, as amended.
  - The proposed zoning change is procedural and is consistent with the General Plan.
2. That the public health, safety, and general welfare benefit from the adoption of the proposed amendment.
  - Adopting a new process to allow for early separation findings saves applicants time and money, and improving public noticing for certain discretionary actions enhances community outreach, which provides a benefit to the public health, safety and general welfare for the City's residents and business owners; and

# Attachment B

**NOW, THEREFORE,** the City Council of the City of Lemon Grove hereby ordains as follows:

## **SECTION ONE:**

Amendments to Chapter 17.28.020 Application Procedures of the Lemon Grove Municipal Code to Create a New Process to Allow for Early Separation Findings for Land Uses with Separation Requirements are hereby added to the City of Lemon Grove Municipal Code to read as shown in Exhibit A.

**INTRODUCED** by the City Council on October 16, 2018.

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## EXHIBIT A

### TEXT OF PROPOSED REGULATIONS

#### NOTE:

- Text proposed to be added is displayed in underlined type.
- Text proposed to be deleted is displayed in strikethrough type.

The City of Lemon Grove Municipal Code to amend Application Procedures, Section 17.28.020, to read as follows:

#### **17.28.020 Application Procedures.**

A. Purpose. This section establishes procedures for submitting and processing applications for proposed uses, structures, and/or improvements of real property, and related matters subject to this title; authorize the city to establish, modify, and collect fees, and set time limits for processing.

1. Definitions. Italicized words and terms found in this chapter are defined in Chapter 17.08.

2. Interpretation. In interpreting and applying the provisions of this title, uses, structures, and/or improvements shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and general welfare.

3. Conflicts. Except as specifically provided, this title is not intended to impair or interfere with any previously issued permits or approvals relating to matters subject to this title. This title is not intended to interfere with, abrogate, or annul any easement, covenant, or other agreement between parties, provided that in cases in which this title imposes a greater restriction than is imposed or required by existing provisions of law or ordinance or by such easements, covenants, or agreements, the provisions of this title shall control.

B. Initiation. A proposed action may be initiated by application of the property owner, owner's agent, or another interested party, by the city council.

C. Pre-Application Conference. Prior to submission of an application package for a complicated or multi-faceted project, an applicant may request an unofficial conference with city staff to review the proposed project. Staff will evaluate the project in light of applicable city regulations, indicate possible concerns, identify required information, and note probable environmental impacts and possible mitigation requirements. Nothing in this conference shall be construed as actual or implied approval of any aspect of the proposed project.

D. Application Submittal. Prior to submitting application packages for permits or other approvals, the applicant shall obtain a zoning clearance according to Section 17.28.070. Thereafter, application packages shall be submitted to the development services department upon a prescribed form, accompanied by applicable fees according to subsection (D)(1), and related materials necessary to show that the proposed use, structures, and/or improvements of the property comply with applicable provisions of this code, state law, federal law and the requirements and conditions of any associated permit. Each application filed by, or on behalf of, one or more property owners shall be verified by at least one such owner or the owner's authorized agent attesting to the truth and correctness of all facts, statements, and information presented.

1. Fees. The city council shall establish and modify, by resolution, a schedule of fees and deposits for matters subject to this title. All applicable fees and deposits shall be paid in full prior to processing any application, appeal, or other matter for which a fee is required.

Applicable fees and/or deposits may be waived for charitable, youth or nonprofit organization activities upon approval by the city manager.

No fee shall be refundable except in any case where the development services director determines and certifies any such fee or portion thereof has been received in error, in which

## Attachment B

case the amount of money received in error shall be refunded to the proper party. Refunds will be processed in the same manner as other demands against the city.

2. Concurrent Processing. Applicants with more than one application related to the same project may have all applications processed simultaneously.

E. Time Limits.

1. Staff Review. Upon initial submittal, application packages shall be distributed to applicable departments for review. No more than thirty days following the date of initial submittal, application packages shall be deemed complete or incomplete with a request for more information. Once the requested information is received, the thirty day staff review cycle restarts. No action shall be taken on applications not yet deemed complete.

2. Deemed Complete Applications. Once deemed complete, applications then progress, in accordance with specific permit regulations in this title, to notices according to subsection F, to public hearing according to subsection G, then to decisions according to subsection H.

F. Notices. The notice shall state the purpose of the notice, a project description, and an explanation of the permit process, and be given by a date certain to affected parties according to subsections (F)(1), (2) and (3), as appropriate.

1. Public Hearings. Notices for public hearings shall also state the time, place, and purpose of the public hearing and shall be given by publication at least ten days prior to the public hearing. Notices to affected property owners shall be given at least ten days prior to the public hearing according to subsection (F)(2).

2. Affected Property Owners. The notice shall be mailed to all real property owners within 500 feet of consistent with separation findings or at an appropriate legal distance from all exterior boundaries of the subject property at least ten days prior to the decision. Notices shall be mailed using the names and addresses of the owners as shown on the latest equalized assessment roll in the office of the county assessor. Where the address of such owner is not shown on such assessment roll, failure to send notice by mail to such property owner shall not invalidate any proceedings in connection with such action. In the event that the number of owners to whom notice would be sent according to this subsection is greater than one thousand, then notices may, instead, be given by placing a display advertisement of at least one-eighth page in a newspaper having general circulation within the affected area. In addition, temporary on-site sign(s) along the properties' street frontage(s) and legible from across the street on pedestrian pathways shall be posted on the property at least ten days prior to the public hearing and until certificate of occupancy is granted for the proposed land use, but not to exceed a period of one year. The signs shall be a minimum of six feet high, six feet wide, and not to exceed 72 square feet total for two sides or 36 square feet for one side. Such sign shall include the permit numbers, property location and APN number, a site plan and description of the project, project name, and the applicant's name, address and telephone number to the satisfaction of the development services director. Signs shall be maintained in good condition at all times.

3. California Environmental Quality Act (CEQA) and State Law. Notices shall be made according to Government Code Sections 65090 through 65091, as amended. Processing time frames will apply unless extended environmental review is required by state law or this code.

G. Public Hearings. A public hearing is the opportunity for the advisory body, the hearing body, or the appellate body to obtain public testimony or comments prior to making a decision. The public hearing shall be conducted in accordance with this chapter and Section 2.14.090 of this code. Public hearings may be continued to another time without requiring further public notice, so long as the future time and place are announced before adjournment of the hearing.

1. Scheduling. Public hearings of the city council shall be subject to the rules regarding the placing of matters on its agenda, respectively. Subject to state planning and environmental laws, public hearings shall not be held earlier than ten or later than sixty days following submission of an appeal application or a deemed complete application according to subsection (E)(2). The time limit specified in this subsection may be extended by mutual consent of the applicant and the development services director; however, in no case shall this time period exceed one hundred eighty days.

2. Notice. Notices of public hearings shall be given according to subsection (F)(1).

## Attachment B

3. Outcome. At the close of the public hearing, the advisory body may recommend approval, conditions, limitations, or denial; while the hearing body or the appellate body may make a decision. The hearing body may impose such conditions or limitations as it deems necessary to serve the general purpose and intent of this title. The matter may also be referred back to the lower body for further consideration or action. The appellate body may sustain, modify, deny or reverse, wholly or in part, any decision by a lower body. The decision may also be referred back to the lower body for further consideration or action.

H. Decisions and Effective Date of Decisions. Development services director decisions are made within thirty days of applications being deemed complete. City council and city council decisions are made within twenty days of the close of the public hearing. Decisions shall become effective ten days following the decision date, unless an appeal has been filed according to subsection K.

Unless otherwise stated in the approval or permit, or in the conditions of approval, approvals and permits shall run with the land and shall continue to be valid upon a change of ownership of the site or structure.

1. Conditions of Approval. The development services director, the city council may attach such conditions as deemed necessary to ensure compliance with this code.

2. Response to Referral. Where an application, appeal or other matter is referred to a lower body for further consideration, a response to that referral shall be submitted to the applicant and the referring body within forty days following said referral.

I. Appeals. Any applicant or other interested person who is dissatisfied with the denial, approval, conditional approval, or other application decision made in the administration of this title may appeal the decision. Decisions made by the development services director are appealed to the city council. Decisions made by the city council are final.

Appeal applications, accompanied by the filing fee, shall be filed within ten days following the date a decision is made, on forms provided by the development services department. Appeals of development services director decisions shall be submitted to the city clerk. Appeals will be heard at a public hearing that has been noticed according to subsection F and conducted according to subsection G. Failure of the appellate body to make a decision according to subsection H shall be deemed in agreement with the previous decision.

All rights of appeal are exhausted when the proceedings set forth herein have been completed. An applicant shall not apply for the same or similar use affecting all or part of the property within twelve months of the effective date of the decision of denial, or as otherwise specified at the time of the decision of denial.

J. Expirations. Applications, approvals and permits issued according to this title will expire in accordance with the following:

1. Application Expiration. Unless there has been substantial activity toward submitting a deemed complete application package according to subsection D, such application package shall expire after a continuous twelve-month period of inactivity. Thereafter, the applicant may submit a new application package according to subsection D.

2. Approval and Permit Expiration.

a. Any temporary use permit expires at the conclusion of the permitted use.

b. Other approvals or permits subject to this title shall expire:

i. Twelve months from the effective date of the decision, unless construction and/or use in reliance has commenced or as otherwise stated in the conditions of approval; or

ii. If the use for which it was issued is discontinued for a continuous period of twelve months.

K. Time Extensions. At any time prior to the expiration of approvals or permits subject to this title, the permittee for such approval or permit may file a written request for an extension of time. The development services director may grant an initial extension of the term of the permit. The city council shall consider all subsequent requests for time extensions, according to subsection (F)(2), and if:

1. The form and intensity of the project for which the approval or permit was issued have not been significantly altered, and

## Attachment B

2. The conditions or circumstances which supported the findings of fact required for the original approval or permit have not changed and appear unlikely to change within the period of the proposed extension of time.

L. Substantial Conformance Review. Any project submittal made subsequent to obtaining a use permit authorized by this title shall be in substantial conformance with that use permit. At the request of the owner, or in the event that submittals or field conditions are found to not be in conformance, a substantial conformance review application, accompanied by the filing fee, shall be filed and processed according to subsection D. If the project is found to not be in substantial conformance, the applicant may request a modification of the use permit according to subsection M.

M. Permit Modifications. Permit modification applications, accompanied by the filing fee, may be filed at any time prior to the initial expiration date of the project's use permit. Applications shall be processed according to subsection D.

N. Revocation of Approvals and Permits. Any structures and/or improvements constructed, erected, altered, moved, or maintained contrary to a use permit and/or other provisions of this title, and any use of any land or structure established, conducted, or maintained contrary to an approval, permit and/or other provisions of this title, shall be declared to be unlawful and a public nuisance.

1. Procedure. The development services director shall immediately commence action or proceedings for the abatement of a violation of this title, according to Chapter 1.24. If the owner, operator or other responsible entity fails or refuses to abate any public nuisance according to subsection N, the development services director may schedule a public hearing, according to subsection G, to consider the following actions:

- a. Requiring whatever assurance deemed appropriate to guarantee that such violation will be corrected in a timely manner and will not occur again;
- b. Imposing additional conditions or limitations affecting the physical design of the property or its use;
- c. Revoking any approvals or permits subject to this title, according to the appeals provisions of subsection K.

In the event the development services director refers an enforcement matter to the city council, the city attorney shall, upon order of the city council, immediately apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person from erecting, maintaining, or using any property contrary to the provisions of this title.

O. Early Separation Findings. Separation findings required as a part of any permit described in this Chapter may be made early, prior to application materials being submitted and prior to a decision by the Development Services Director, Planning Commission and/or City Council as a part of a Minor Use Permit application for the sole purpose of finding that the application meets or does not meet the required separation requirements. No other approval may be granted as a part of this permit. Applications made pursuant to this subsection must give additional notice by way of advertisement in a newspaper having general circulation within the affected area at least ten days prior to the decision. This finding that the application meets separation requirements shall be valid for up to one year before the early finding expires.

OP. The remedies provided for in this title shall be cumulative and not exclusive. Nothing herein is intended to conflict with applicable state laws or federal laws. (Ord. 434 § 5, 2015; Ord. 386 § 3, 2009) |